

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of the Claims

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim 21 is requested to be canceled without prejudice or disclaimer.

After entry of the present paper, claims 18-20 and 22-26 will be pending.

II. Claim Rejections – 35 U.S.C. § 112, First Paragraph

Claim 21 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. According to the Office Action, “[t]he teaching of ‘... a ten-fold repetition of equal colors at different positions of the target ...’ is not taught in the written specification.” Office Action at 2.

While not acquiescing in the propriety of the rejection, Applicants have rendered the rejection moot by canceling claim 21. Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

III. Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for reciting “ten-fold repetition,” which is allegedly “vague and/or mid-descriptive.” Office Action at 2.

While not acquiescing in the propriety of the rejection, Applicants have rendered the rejection moot by canceling claim 21. Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

IV. Claim Rejections – 35 U.S.C. § 102

Claims 18-26 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by U.S. Patent No. 4,629,428 to Phillips. According to the Office Action, “Phillips teaches a target (see figure 5; see also col. 5, lines 20-25) for calibration of digital devices, comprising a plurality of colored fields, (see fig. 5 and col. 4, line 50 – col. 5, line 25., wherein the colored fields are printed by a subtractive multicolor printing process by means of frequency modulated screening (see figures 3e-3d and the CMYK subtractive colors.)” Office Action at 3. Applicants respectfully traverse this ground of rejection.

Phillips fails to teach or suggest the claimed invention for at least two reasons. *First*, Phillips generally relates to a process and equipment for color printing, but does not teach or suggest a “target for calibration of digital input devices,” as required by the present claims. *Second*, Phillips fails to teach or suggest a target “printed by a subtractive multicolor printing process by means of frequency modulated screening,” as required by the present claims. Each of these reasons is discussed below.

A. Phillips Fails To Teach or Suggest a “Target for Calibration of Digital Input Devices”

Phillips contains no teaching or suggestion of a “target for calibration of digital input devices,” as required by the present claims. Instead, Phillips relates to a color matching device for use in the final color printing. The color matching device comprises a collection of small process color reference tints that allow an artist to choose the specific colors he would like to use during the final color printing (col. 6., lines 3-20). To provide its color matching device, Phillips emphasizes the importance of avoiding Moire fringe patterns (col. 5, line 34). In fact, Phillips teaches that “[i]f it is found that [Moire patterns] occur ... then the choice of percentages is readjusted to *eliminate any tint with the Moire pattern*” (col. 5, lines. 35-39

(emphasis added)). Thus, Phillips limits the available color set to colors that do *not* experience Moire fringe pattern.

The claimed invention, on the other hand, relates to a target intended for the calibration of digital input devices. The colors that are needed for the calibration of digital input devices may be colors that exhibit Moire fringe patterns when using the printing technique described in the Phillips reference.

Thus, Phillips teaches selecting a color set for an entirely different purpose as compared to the claimed invention. Specifically, Phillips teaches selection of a color set to avoid selection of Moire patterns, and the claimed invention relates to a target intended for the calibration of digital input devices, which may comprise colors that exhibit Moire patterns. Thus, Phillips fails to teach or suggest a “target for calibration of digital input devices,” as required by the present claims.

B. Phillips Fails To Teach or Suggest a Target “Printed by a Subtractive Multicolor Printing Process by Means of Frequency Modulated Screening”

Phillips cannot anticipate the claimed invention because Phillips contains no teaching or suggestion to use frequency modulated screening as required by the present claims. The Phillips reference describes the use of individual color litho for producing the collection of small process color reference tints. Specifically, the process color reference tints are printed from selected combinations of three standard process colors, with optional black, at selected percentage densities (col. 2., lines 45-47). The specification further describes the process as follows:

The final visual tone or color is controlled by inserting a pre-printed grid screen in the optical path when preparing the individual color litho plates, each screen having a pre-printed pattern of small opaque areas (referred to hereinafter for convenience as “dots” though any other pattern of areas may suffice) which combine to obstruct a specified percentage of light. Thus a 10% screen produces a very light tint and a 50% screen produces one half of the full tint

(col. 1, line 67, to col. 2, line 7).

In preparing the printed tints from the three process colors, and black, an optical screen is used to adjust the density. The screen normally consists of a pattern of dots or other shapes and the control effect is governed by a number of variables.

(col. 4., lines 5-10).

Accordingly, Phillips uses photographic grid screens to print the reference tints arranged on the color matching device. Such a process is not “frequency modulated screening,” as required by the present claims, nor does it suggest frequency modulated screening. Accordingly, Phillips fails to teach an element of the claimed invention.

The Office Action cites Phillips’ Figs. 3a-3d as a teaching of frequency modulated screening. However, these figures do not relate to the target. Instead, these figures relate to dots arranged on the photographic grid screens (col. 3, lines 47-49), which clearly does not suggest frequency modulated screening.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this ground of rejection.

CONCLUSION

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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